

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOEL DIAZ, JR.,

Petitioner,

vs.

MAGGIE MILLER-STOUT,

Respondent.

NO. CV-05-065-EFS

ORDER DISMISSING PETITION WITHOUT
PREJUDICE

By Order filed March 25, 2005, the court denied Petitioner permission to proceed *in forma pauperis* and directed him to pay the \$5.00 filing fee or show cause by sworn affidavit why he should not be required to do so. Petitioner was cautioned that failure to comply within fifteen days would be construed as his consent to dismissal of the petition without prejudice. Petitioner has filed nothing further.

Accordingly, for the reasons set forth above and in the court's previous Order, **IT IS ORDERED** the petition is **DISMISSED without prejudice** under Fed. R. Civ. P. 41(b). The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner at his last known address and close the file.

DATED this 15th day of April 2005.

S/ Edward F. Shea

EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

ORDER DISMISSING PETITION WITHOUT PREJUDICE -- 1